

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 17, 2009

DIVISION ONE

B216705 People (Not for Publication)
v.
S.G.

The disposition order is modified to strike the maximum term of confinement. In all other respects the order is affirmed.

Johnson, J.

We concur: Rothschild, Acting P.J.
 Chaney, J.

DIVISION TWO

B213698 People (Not for Publication)
v.
T.T.

We modify the judgment to strike the maximum confinement term set by the juvenile court. We remand with directions to the juvenile court to make an express declaration as to whether the underlying offense is a felony or misdemeanor as required by section 702. We affirm the judgment in all other respects.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (continued)

B211594 County of Kern (Not for Publication)
 v.
 California Department of Health Services

The judgment is affirmed. Each party to bear their own costs.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B204646 People (Not for Publication)
 v.
 Ethan Saleem

The judgment is reversed.

Klein, P.J.

I concur: Croskey, J.
I dissent: Aldrich, J. (Opinion)

B211351 Walker (Not for Publication)
 v.
 Sears Roebuck, et al.

The judgment in favor of Sears and Nishanian is affirmed. Walker is to pay all costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FOUR

[illegible]

The maximum confinement term set by the juvenile court is stricken. In all other respects, the order of wardship is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

B211478 People (Not for Publication)
v.
Reyes and Berriozabal

The judgments are affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B209373 People (Not for Publication)
v.
Ramirez

The sentence on count 2 is reversed. The case is remanded for resentencing in accordance with *People v. Rodriguez*, supra, 47 Cal.4th at pages 508-510. In all other respects, the judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

December 17, 2009 (Continued)

DIVISION FOUR (continued)

B214861 People (Not for Publication)
v.
Barlish

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

B213702 People (Not for Publication)
v.
C.D.

The dispositional order is modified to strike the maximum term of confinement. In all other respects, the order of wardship is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

B212834 Los Angeles County, D.C.F.S. (Not for Publication)
v.
D.M.

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

December 17, 2009 (Continued)

DIVISION FOUR (continued)

B209986 Aghyan, et al. (Not for Publication)

V.

Aghakhabian, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

B211758 Zahedi, et al. (Not for Publication)

V.

Zahedi, et al.

The order denying appellants' motion for attorney fees is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

B209610 Plummer, Jr. (Not for Publication)

V.

Carrie Lopez, as Director, etc., et al.

The judgment of dismissal is affirmed. Respondents shall recover their costs on appeal.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FOUR (continued)

B213051 PR/JSM Rivara LLC et al. (Not for Publication)
v.
Community Redevelopment Agency of the City of Los Angeles, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Suzukawa, J.

We concur: Willhite, Acting P.J.
Manella, J.

B217601 Samii, et al. (Not for Publication)
v.
La Villa Grande Homeowners Association

The order is affirmed. Plaintiffs shall recover their costs on appeal.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

B209012 Thompson (Not for Publication)
v.
Costco Wholesale Corporation

The judgment is affirmed. Respondent(s) to recover costs.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FOUR (continued)

B200673 Planning and Conservation League, et al. (Certified for Publication)
v.
Castaic Lake Water Agency
Kern County Water Agency, et al.
California Department of Water Resources

The judgment is reversed, and the matter is remanded to the trial court with directions to vacate the peremptory writ of mandate and issue a new judgment denying the petitions in their entirety. Castaic, Kern, Wheeler Ridge, and DWR are awarded their costs on appeal.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

B209916 People
v.
Adams

Filed order denying petition for rehearing.

B213392 Chatard
v.
Oveross, et al.

Filed order denying petition for rehearing.

DIVISION FIVE

B216818 United Neighbors of the Westside (Not for Publication)

v.

City of Culver City

CRP Centinela

The judgment is affirmed. Respondent and real party in interest to recover costs.

Turner, P.J.

We concur: Mosk, J.
Kriegler, J.

B211675 People (Not for Publication)

v.

Jonathan Barahona

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

B211895 People (Not for Publication)

v.

Steven Perkins

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
Armstrong, J.

DIVISION FIVE (continued)

B207823 People (Not for Publication)
v.
Nathaniel Regalado

The judgment shall be corrected as follows: (1) the convictions in counts 5 and 6 are reduced to violations of Penal Code section 245, subdivision (a) (1), and defendant is to be resentenced accordingly on those counts; (2) the punishment for attempted first degree robbery is count 3 is reduced to three years; (3) defendant is awarded 788 days of presentence credit for time served and 118 days of good time/work time for a total of 906 days; and (4) a \$20 security fee shall be reflected in the judgment as to each count pursuant to Penal Code section 1465.8, subdivision (a) (1). In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

[illegible]

The judgment is affirmed.

Mosk, J.

I concur: Armstrong, J.
I concur: Turner, P.J. (opinion)

DIVISION FIVE (continued)

B214107 People (Not for Publication)
v.
Ramon Reyes

This matter is remanded with directions as discussed in parts III(B) through (D) of the opinion. The judgment is affirmed in all other respects.

Turner, P.J.

I concur: Armstrong, J.
I concur: Mosk, J (opinion)

B212187 People (Not for Publication)
v.
Jorge Almaraz

The portion of the November 4, 2008 minute order requiring appellant to register as a convicted narcotics offender is stricken, and replaced with a requirement that appellant register as a gang member pursuant to section 186.30. The 10-year terms imposed pursuant to section 186.22, subdivision (b)(1)(C) are ordered stricken on all three counts. The separate 15-years-to-life term added to appellant's life sentence on count 2 is ordered stricken. Pursuant to section 186.22, subdivision (b)(5), appellant is ordered to serve 15 years in prison before he is eligible for parole on all counts, but this provision is ordered stayed pursuant to section 12022.53, subdivision (e)(2). Appellant's presentence custody credits are ordered corrected to total 693 days. The judgment is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION FIVE (continued)

[illegible]

The clerk of the superior court is directed to prepare a corrected amended abstract of judgment showing that appellant's sentence for the attempted murder convictions is three consecutive terms of life with the possibility of parole and to deliver an copy of the corrected abstract to the Department of Corrections and Rehabilitation. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

B214165 People (Not for Publication)
v.
Dawn Patterson

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B207613 1680 Property Trust
v.
Newman Family Trust

Filed order denying petition for rehearing.

DIVISION SIX

B212844 People (Not for Publication)

V.

Mehran A. Khamseh

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.

Perren, J.

B209658 People (Not for Publication)

V.

Snyder

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

DIVISION SEVEN

B209133 Fiore (Not for Publication)

V.

Kahana

The judgment is affirmed. The sanctions order is reversed. Each side to bear its own costs on appeal.

Woods, Acting P.J.

We concur: Zelon, J.

Jackson, J.

DIVISION SEVEN (continued)

B210468 Negrete (Not for Publication)

V.

The Board of Education of the
Los Angeles Unified School District

The judgment is affirmed. The Board of Education of the Los Angeles Unified School District and the Los Angeles Unified School District are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., Mohr, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B210434 People v. W.M.
B211366 People v. Hunt
B216690 DCFS v. L.V.
B210009 People v. Pickens
B213812 People v. Niera
B211899 People v. Collins
B210010 People v. Castro
B213581 People v. Nickerson
B213650 Harris-Scott v. LA Police Department
B211461 People v. Poe
B216286 DCFS v. M.S.

Argument waived, cause submitted.

DIVISION EIGHT (continued)

B212229 Jeffrey L. Blacksc et al.
 v.
 Calif. Department of Real Estate

Merits:
Argued by Wendy Lascher for appellant and by W. Dean Freeman,
Supervising Deputy Attorney General for respondent. Cause submitted.

B185940 People
 v.
 Antonio Barba

Merits:
Argued by Marilee Marshall for appellant and by Mary Sanchez, Deputy
Attorney General for respondent. Cause submitted.

B212293 Samuel Orona
 v.
 Orquidea M. Orona

Merits:
Argued by Frank O. Fox for respondent and by Mark J. Wardel for
appellant. Cause submitted.

Mohr, J. (Assigned), leaves the bench

B213405 Elizabeth Dmini
 v.
 Ahmed Dmini

Merits:
Argued by Ahmed Dmini appellant, appearing in propria persona and no
appearance by counsel for respondent. Cause submitted.

Mohr, J. (Assigned) resumes the bench.

Rubin, Acting P.J. leaves the bench.

DIVISION EIGHT (continued)

B210750 Barbara L. House
 v.
 James F. House

Merits:

Argued by Lawrence A. Sobel for appellant and by Alan Goldberg for respondent. Cause submitted.

Rubin, Acting P.J. resumes the bench.

B210691 People
 v.
 Neftali Navarrete

Merits:

Argued by Michael M. Crain for appellant and by Gary Lieberman, Deputy Attorney General for respondent. Cause submitted.

B213729 People
 v.
 Norman C. Garrett

Merits:

Argued by Patrick M. Ford for appellant and by Eric Kohm, Deputy Attorney General for respondent. Cause submitted.

B217381 In Soon Lee
 v.
 Anna Lee Kim

Merits:

Argued by James S. Link for appellant and by Benjamin Blakeman for respondent. Cause submitted.

Mohr, J. (assigned), leaves the bench.

DIVISION EIGHT (continued)

B211777 Carson Harbor Village, Ltd.,
v.
City of Carson

Merits:

Argued by William W. Wynder for appellant and by Thomas W. Casparian for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:47 p.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., Mohr, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B214243 Young Lee, et al.
v.
Seung Tchul Ahn

Merits:

Argued by Simon H. Langer for appellants and by L'Tanya M. Butler for respondent. Cause submitted.

Flier, J. leaves the bench.

B205604 Mihran Novshatian
v.
Alex Cruz dba Home Remodeling & Design

Merits:

Argued by Maro Burunsuzyan for appellant and by Ty Vanderford for respondent. Cause submitted.

Flier, J. resumes the bench.

Bigelow, J. leaves the bench.

DIVISION EIGHT (continued)

B206680 John Laing
 v.
 Guam Economic Development, et al.

Merits:

Argued by Charles M. Coate for appellant; by Arne D. Wagner for respondent Guam Economic; by Michael J. Plonsker for respondents Guam Visitors Bureau and Perez . In open court the submission was deferred allowing additional briefing. The matter will be submitted upon the filing of the last brief.

Each of the following:

B205705 Avina v. Gerro
B204350 Avina v. Gerro

Oral argument continued to January 21, 2010.

Each of the following:

B211193 People v. Hampton
B209375 People v. Cruz

Matter taken off calendar.

Court Adjourned.